

Remarks

The Office Action mailed January 30, 2007, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected.

The rejection of Claims 1, 2, 3, and 5 under 35 U.S.C. § 102(b) as being anticipated by Bradshaw et al. (U.S. Patent No. 6,161,698) is respectfully traversed.

Bradshaw et al. describe a carrying case 10 that includes an elongated outer cover 12 having a top end 14 and a bottom end 16. The outer cover 12 forms a cavity 36 therein for storing a golf bag and other golf accessories. The golf bag carrying case 10 also includes a clubhead protection system. A first protective member 48 is disposed within the cavity 36 near the top end 14 of the outer cover adjacent the clubheads 50 of the golf clubs 52. A second protective member 58 is provided opposite the first protective member 48. The protective members 48 and 58 are rectangular in shape and have respective first ends 49 and 57 attached to the interior of the outer cover 12 and respective second ends 51 and 59 that are free. In use, the second end 51 of the first protective member 48 is wrapped around the irons 53 in the golf bag 56, and the second end 59 of the second protective member 58 is then wrapped around the woods 55 and removably secured to the first protective member 48. The first and second protective members 48 and 58 take up the space between the golf clubs 52 to prevent them from sliding around in the golf bag 56 during transport. The protective members 48 and 58 also provide padding between the golf clubs 52 to prevent marring and scratching of the clubheads 50. However, nothing in Bradshaw et al. describes anything that extends over and engages the tops of the golf club heads.

Claim 1 recites a golf bag carrier that comprises "a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein" and "a helmet attached to said body within said cavity, said helmet configured to extend over and engage the top of the heads of said golf clubs and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis."

Bradshaw et al. do not describe nor suggest a helmet configured to extend over and engage the top of the heads of said golf clubs. Rather, Bradshaw et al. describe rectangular shaped pads that wrap around a perimeter defined by the golf clubs and the golf club heads, but not the tops of the golf club heads. Further, Bradshaw et al. do not describe or suggest a separate helmet as recited in presently pending Claim 1. Rather Bradshaw et al. describe a golf club bag carrying case that includes rectangular shaped pads attached therein. Additionally, the top end 14 of the carrying case 10 does not appear to engage the golf club heads.

For the reasons set forth above, Claim 1 is submitted to be patentable over Bradshaw et al.

Claims 2, 3, and 5 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2, 3, and 5 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2, 3, and 5 likewise are patentable over Bradshaw et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 2, 3, and 5 be withdrawn.

The rejection of Claims 1, 4-6, 7-13, and 16-19 under 35 U.S.C. § 102(b) as being anticipated by Rea (U.S. Patent No. 3,245,448) is respectfully traversed.

Rea describes a bag for carrying and storing skis. The bag includes a body 10 having a lining 12. Inside the lining 12 are partition forming means 26. As shown in Figure 2, means 26 divides the bags into three portions. A lining 18 is attached to the end of the body 10. Rea focuses on the partitions that can be made within the body 10 of the bag.

Claim 1 recites a golf bag carrier that comprises a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a helmet attached to said body within said cavity, said helmet configured to extend over and engage the top of the heads of said golf clubs and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis.”

Rea does not describe nor suggest a golf bag carrier that includes a helmet configured to extend over and engage the top of the heads of said golf clubs. Additionally, Rea does not

describe or suggest that this helmet is adapted to constrain golf clubs from moving in a direction along said longitudinal axis. Further, Rea does not describe a cavity adapted to contain a golf bag with a set of clubs therein as Rea describes a cavity for insertion of ski equipment. More importantly, nothing in the disclosure of Rea suggests that it would constrain skis and poles from moving in the longitudinal axis, that is, an axis that extends through the bag and parallel to the fastener 24 and perpendicular to 27 and 29, as best shown in Figure 1 of Rea. While it may be conceivable that a user would utilize the bag of Rea to hold their golf bag and golf clubs, nothing in Rea is descriptive of a device that would engage the ends of the skis and poles, which would be analogous to "extend over the top of the heads of" the golf clubs. Rather, Rea describes linings and partitions that extend along the length of the bag (ending at 27 and 29 (see Figure 1)). As such, Rea does not describe anything that would prevent movement of items therein along its longitudinal axis.

For the reasons set forth above, Claim 1 is submitted to be patentable over Rea.

Claims 4-8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 4-8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4-8 likewise are patentable over Rea.

Claim 9 recites a golf bag carrier comprising "a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein, said body comprising at least one sleeve within said cavity" and "a protective member received in said sleeve, the protective member having a first free end and a second free end, said first free end configured to extend circumferentially around the golf bag and said second free end configured to extend circumferentially around the golf bag".

Rea does not describe or suggest a sleeve within a cavity. The lining 12 in Rea is not configured to operate as a sleeve even though most of its area is not attached to body 10. Therefore Rea also does not describe or suggest a protective member, as recited, that is received in the sleeve. Finally, while Rea describes various structures that might be considered "a protective member", these structures do not meet the claim recitation of having a first end and a second end that extend circumferentially around the golf bag. For all of these reasons, Claim 9 is submitted to be patentable over Rea.

Claims 10-13 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 10-13 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-13 likewise are patentable over Rea.

Independent Claim 16 recites a golf bag carrier comprising “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a golf club protection assembly adapted to protect the golf club shafts and the golf club heads, said protection assembly comprising a helmet configured to extend over the top of the golf club heads and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis, and a protective member configured to extend circumferentially around the golf bag and the golf clubs”.

Rea does not describe nor suggest a golf club protection assembly that includes a helmet configured to extend over the top of the golf club heads. As described above, nothing in Rea is descriptive of a device that would engage the ends of the skis and poles, which would be analogous to “extend over the top of the heads of” the golf clubs. Additionally, nothing in the disclosure of Rea suggests that it would constrain skis and poles (or golf clubs) from moving in a direction along the longitudinal axis, that is, an axis that extends through the bag and parallel to the fastener 24 and perpendicular to 27 and 29. For all of these reasons, Claim 16 is submitted to be patentable over Rea.

Claims 17-19 depend, directly or indirectly, from independent Claim 16. When the recitations of Claims 17-19 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 17-19 likewise are patentable over Rea.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 4-6, 7-13, and 16-19 be withdrawn.

The rejection of Claims 1, 3-13, and 15-20 under 35 U.S.C. § 102(b) as being anticipated by Johnson (U.S. Patent No. 4,951,818) is respectfully traversed.

Johnson describes a carrier 10 having a hollow, elongated boxlike configuration including an openable top wall 12, a right side wall 9, a left side wall 14, a front end wall 16, a

rear end wall 8, and a bottom wall 13. As shown in Figure 3 of Johnson there is a space between the bottom of the golf bag and the front end wall 16 as well as a space between the golf club heads and the rear end wall 8.

As such, the device of Johnson does not meet the limitations of Claim 1 which recites a golf bag carrier that comprises "a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein" and "a helmet attached to said body within said cavity, said helmet configured to extend over and engage the top of the heads of said golf clubs and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis."

As described above, Johnson does not describe, nor suggest, a helmet configured to extend over and engage the top of the heads of said golf clubs and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis. While the rear end wall 8 of Johnson may eventually engage the tops of the golf club heads, it would be due to a shifting of the bag or shifting of the clubs within the bag. Therefore the carrier of Johnson does not describe or suggest anything that constrains golf clubs from moving in a direction along a longitudinal axis.

For the reasons set forth above, Claim 1 is submitted to be patentable over Johnson.

Claims 3-8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 3-8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 3-8 likewise are patentable over Johnson.

Claim 9 recites a golf bag carrier comprising "a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein, said body comprising at least one sleeve within said cavity" and "a protective member received in said sleeve, the protective member having a first free end and a second free end, said first free end configured to extend circumferentially around the golf bag and said second free end configured to extend circumferentially around the golf bag".

Johnson does not describe, nor suggest, a protective member received in a sleeve, the protective member having free ends configured to extend circumferentially around the golf bag. While openable top wall 12, right side wall 9, left side wall 14, and bottom wall 13 may be configured with impact absorbing panels (see 37 and 44 in Figure 5), these cannot be reasonably construed to include free ends that extend circumferentially around the golf bag. For these reasons, Claim 9 is submitted to be patentable over Johnson.

Claims 10-13 and 15 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 10-13 and 15 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-13 and 15 likewise are patentable over Johnson.

Independent Claim 16 recites a golf bag carrier comprising “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a golf club protection assembly adapted to protect the golf club shafts and the golf club heads, said protection assembly comprising a helmet configured to extend over the top of the golf club heads and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis, and a protective member configured to extend circumferentially around the golf bag and the golf clubs”.

Johnson does not describe nor suggest a golf club protection assembly that is adapted to constrain golf clubs from moving in a direction along said longitudinal axis. While the rear end wall 8 of Johnson may eventually engage the tops of the golf club heads, it would be due to a shifting of the bag or shifting of the clubs within the bag. Therefore the carrier of Johnson does not describe or suggest anything that constrains golf clubs from moving in a direction along a longitudinal axis. See Figure 3 of Johnson where it appears the golf clubs would be free to move in a longitudinal direction within the confines of the carrier 10. Further, Johnson does not describe nor suggest a protective member configured to extend circumferentially around the golf bag and the golf clubs. While openable top wall 12, right side wall 9, left side wall 14, and bottom wall 13 may be configured with impact absorbing panels (see 37 and 44 in Figure 5), these cannot be reasonably construed to include free ends that extend circumferentially around the golf bag. For these reasons, Claim 16 is submitted to be patentable over Johnson.

Claims 17-20 depend, directly or indirectly, from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 17-20 likewise are patentable over Johnson.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 3-13, and 15-20 be withdrawn.

The rejection of Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Salberg et al. (U.S. Patent No. 2,471,169) is respectfully traversed.

Salberg et al. do not describe or suggest a golf bag carrier that defines a cavity for adapted to contain a golf bag with a set of golf clubs therein. Rather, Salberg et al. describe a golf bag 10 that includes golf stick pockets 29 and 30 that may include upper sections 31 that extend above the mouth of the bag and are enlarged and shaped to fit the heads of golf clubs. A hood 50 is attached to the golf bag 10 and includes a freely depending strap member 54 that is attachable to a flap member 56 and when attached they allow free lateral movement of the walls 51 and 52 to expose the pockets 27, 29, and 30.

Claim 1 recites a golf bag carrier that comprises “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a helmet attached to said body within said cavity, said helmet configured to extend over and engage the top of the heads of said golf clubs and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis.”

For a proper Section 102 rejection, the cited art must teach every limitation of the pending claim. With respect to Claim 1 and Salberg et al., Salberg et al. do not describe or suggest a golf bag carrier that defines a cavity for containing a golf club bag having clubs therein. Rather, Salberg et al. describe the golf bag itself. As there is no golf bag carrier cavity, Salberg et al. cannot describe a helmet attached internally to a golf bag carrier. Additionally, while the straps 54 and 56 touch the upper sections 31 of the golf stick pockets, there is no description within the Salberg et al. patent that indicates the straps prevent longitudinal movement of the golf clubs (sticks).

For the reasons set forth above, Claim 1 is submitted to be patentable over Salberg et al.

Claims 2 and 3 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2 and 3 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2 and 3 likewise are patentable over Salberg et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-3 be withdrawn.

The rejection of Claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Lickton (U.S. Patent No. 6,039,243) is respectfully traversed.

Lickton describes a container 10 that may be used to hold a golf club bag and golf clubs. The container 10 includes a lid 12, a base 14, and a dolly 16. In Figure 2, a sack 38 is illustrated as holding a golf club bag and clubs. Sack 38 is closed using a drawstring. Elsewhere in the application Lickton describes storing the container 10 within sack 38. Therefore the size of sack 38 is dependent upon the size of container 10.

Claim 1 recites a golf bag carrier that comprises “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a helmet attached to said body within said cavity, said helmet configured to extend over and engage the top of the heads of said golf clubs and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis.”

Lickton does not describe or suggest a helmet configured to extend over the top of the heads of golf clubs and adapted to constrain golf clubs from moving in a direction along a longitudinal axis as recited in the claim. While insertion of the golf bag into the sack 38 may provide some protection for the golf bag and any clubs therein, and the sack may extend over the top of the golf club heads when the drawstring is tightened, the sack is not adapted to constrain the golf clubs from moving in a direction along a longitudinal axis. Since the sack 38 is configured to hold the container 10 when it is in collapsed form, it likely is not properly sized for constraining longitudinal movement of the golf clubs when the sack contains the golf bag. As such neither the sack 38 nor the lid 12 meet the recitations of Claim 1 relating to the helmet.

For the reasons set forth above, Claim 1 is submitted to be patentable over Lickton.

Claims 2-8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8 likewise are patentable over Lickton.

Claim 9 recites a golf bag carrier comprising “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein, said body comprising at least one sleeve within said cavity” and “a protective member received in said sleeve, the protective member having a first free end and a second free end, said first free end configured to extend circumferentially around the golf bag and said second free end configured to extend circumferentially around the golf bag”.

Lickton does not describe or suggest a protective member received in a sleeve where the protective member has free ends that extend circumferentially around the golf bag. Rather, Lickton at best describes that a user may utilize a sack 38, that is configured to hold the container 10 when it is in collapsed form, as a protection device when utilizing the container to hold a golf bag and golf clubs. The sleeve and protective member recited in currently pending Claim 9 is not found in the disclosure of Lickton.

For the reasons set forth above, Claim 9 is submitted to be patentable over Lickton.

Claims 10-15 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 10-15 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-15 likewise are patentable over Lickton.

Independent Claim 16 recites a golf bag carrier comprising “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a golf club protection assembly adapted to protect the golf club shafts and the golf club heads, said protection assembly comprising a helmet configured to extend over the top of the golf club heads and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis, and a protective member configured to extend circumferentially around the golf bag and the golf clubs”.

Lickton does not describe nor suggest a golf club protection assembly that is adapted to constrain golf clubs from moving in a direction along said longitudinal axis. Rather, Lickton describes that a user may utilize a sack 38, that is configured to hold the container 10 when it is in collapsed form, as a protection device when utilizing the container to hold a golf bag and clubs. There is no disclosure of a protective member configured to extend circumferentially around the golf bag and the golf clubs nor anything that will constrain the golf clubs from moving in a direction along the longitudinal axis of the container 10. For these reasons, Claim 16 is submitted to be patentable over Johnson.

Claims 17-20 depend, directly or indirectly, from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 17-20 likewise are patentable over Johnson.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-20 be withdrawn.

The rejection of Claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Parks et al. (U.S. Patent No. 6,446,851) is respectfully traversed.

Parks et al. describe a carrier 1 specifically designed to hold equipment used in the practice of paint-ball war games. In the preferred configuration, the carrier is configured as a backpack. More specifically, carrier 1 is secured to a person's back by way of a set of shoulder straps 5 and 6, chest strap (as seen in FIG. 2), and waist belt 7. (See Column 2, lines 17-20) Now referring to an interior of container 1, an oblong pocket 14 with a cover flap 15 is shaped and dimensioned to hold a compressed gas canister 16 is included therein. Next to the pocket 14 is an arcuate wall 17 projecting orthogonally from the inner face of the central area. The recess formed by the arcuate wall 17 is dimensioned to receive either a face mask 19, goggles or similar bulky object. A bag made of netting fabric particularly convenient for housing a headband, gloves, socks, or other similar article is detachably held in the center of the recess by patches of hook-and-vane fabric fasteners 21.

In each set of flaps 9, 10, a first external one 29 forms a cover or outer wall of the carrier, a central one 37 forms a pouch 38 having a longitudinal opening 39 facing the back plate, and an

inner flap 43 acts as a cover for the opening 40 of the central flap pouch to which it can be secured.

Claim 1 recites a golf bag carrier that comprises “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a helmet attached to said body within said cavity, said helmet configured to extend over and engage the top of the heads of said golf clubs and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis.”

Parks et al. does not describe or suggest a golf bag carrier that defines a cavity for containing a golf club bag having clubs therein. Rather, Parks et al. describe a backpack adapted to contain items related to paintball activities. Additionally, the oblong pocket 14 and cover flap 15 of Parks et al. cannot be reasonably construed as a helmet configured to extend over and engage the top of the heads of golf clubs. If that were the case, and referring to Figure 3, the overall size of carrier 10 would have to be unusually, and unacceptably large, to the point where a person could not utilize it.

For the reasons set forth above, Claim 1 is submitted to be patentable over Parks et al.

Claims 2-8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8 likewise are patentable over Parks et al.

Claim 9 recites a golf bag carrier comprising “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein, said body comprising at least one sleeve within said cavity” and “a protective member received in said sleeve, the protective member having a first free end and a second free end, said first free end configured to extend circumferentially around the golf bag and said second free end configured to extend circumferentially around the golf bag”.

Parks et al. do not describe, nor suggest, a protective member received in a sleeve, the protective member having free ends configured to extend circumferentially around the golf bag. Additionally, the flaps described in Parks et al. are not described as having free ends that extend

circumferentially around an item within the carrier. Rather, the flaps described by Parks et al. attach to one another to close the carrier.

For these reasons, Claim 9 is submitted to be patentable over Parks et al.

Claims 10-15 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 10-15 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-15 likewise are patentable over Parks et al.

Independent Claim 16 recites a golf bag carrier comprising “a body comprising a longitudinal axis and defining a cavity adapted to contain a golf bag with a set of golf clubs therein” and “a golf club protection assembly adapted to protect the golf club shafts and the golf club heads, said protection assembly comprising a helmet configured to extend over the top of the golf club heads and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis, and a protective member configured to extend circumferentially around the golf bag and the golf clubs”.

Parks et al. do not describe or suggest a protection assembly comprising a helmet configured to extend over the top of the golf club heads and adapted to constrain said golf clubs from moving in a direction along said longitudinal axis, and a protective member configured to extend circumferentially around the golf bag and the golf clubs. Rather, Parks et al. describe an oblong pocket 14 and cover flap 15 and unrelated flaps that attach to one another to close the carrier.

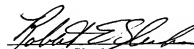
For these reasons, Claim 16 is submitted to be patentable over Parks et al.

Claims 17-20 depend, directly or indirectly, from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 17-20 likewise are patentable over Parks et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-20 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Robert E. Slenker
Registration No. 45,112
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070